

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

DENNIS O.,

Claimant,

vs.

GOLDEN GATE REGIONAL CENTER,

Service Agency.

OAH No. 2011020983

DECISION

Administrative Law Judge Perry O. Johnson, Office of Administrative Hearings, State of California, heard this matter on May 2, 2011, in San Mateo, California.

Richard D. Boyd, Ph.D., appeared on behalf of Golden Gate Regional Center.

There was no appearance by, or on behalf of, claimant Dennis O.

The matter was submitted for decision on May 2, 2011.

FACTUAL FINDINGS

1. Christopher A. Douglas, Staff Attorney, Legal Aid Society of San Mateo County, 521 East 5th Avenue, San Mateo, California 94402, is the authorized representative of claimant Dennis O. Mr. Douglas, by way of a letter to the executive director of Golden Gate Regional Center, made a request for a fair hearing on behalf of claimant. The letter was filed with Golden Gate Regional Center on February 17, 2011.

2. The due process hearing request challenges a determination by Golden Gate Regional Center that claimant is not eligible for regional center services because he does not have a qualifying condition under the Lanterman Developmental Disabilities Services Act (Welf. & Inst. Code, § 4500 et seq.).

3. A hearing on claimant's appeal was scheduled for May 2, 2011, and a notice of hearing was sent to the address listed on the fair hearing request for claimant and his authorized representative.

4. Neither Dennis O., nor Mr. Douglas nor anyone else appeared on claimant's behalf at the hearing. No evidence in support of the appeal was therefore presented or considered.

5. Between the date of the hearing and the issuance of this decision, no request by claimant or his representative was made to conduct an administrative adjudication proceeding to hear evidence for the disposition of the controversy.

LEGAL CONCLUSIONS

Claimant has the burden of proving that he is eligible for regional center services. The failure to appear and to present evidence in support of the appeal is deemed to be a withdrawal of the request for a due process hearing, and provides cause to dismiss the appeal.

ORDER

The appeal of claimant Dennis O. is dismissed.

DATED: June 20, 2011

PERRY O. JOHNSON
Administrative Law Judge
Office of Administrative Hearings